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RECENT LITERATURE

NOTES AND ABSTRACTS

Rousseau et socialisme.—There are coexisting in the writings of Rousseau at various moments two opposing tendencies; one is a great confidence in the law of tomorrow, which will be the work of a state in conformity with the general will and rebuilt by the social contract; the other is a great defiance of the law of yesterday, which is the work of an interested minority of privileged characters. These same opposing tendencies are found in the minds of socialists today; it is significant that to explain the application of the Hegelian dialectics to the development of property Engels draws his examples from Rousseau's *Discours*. The chief difference between Rousseau and the socialists is that the main factor in socialistic thinking and action is the member of the industrial group, while Rousseau's thinking is done in terms of the small farmer and peasant. Rousseau hated machinery and the whole industrial revolution, and city life was absolutely distasteful to him.—C. Bouglé, *Revue de metaphysique et de morale*, May, 1912. M. S. H.

Les idées politiques de Rousseau.—The political ideas of Rousseau are generally misunderstood and interpreted as a sort of atomism and return to nature. Rousseau very clearly brings out that it is not a return to a primitive state, constructed fictitiously, but a state of society in which the inequalities of conventions and of morals are adapted to the inequalities of nature. It is true that Rousseau admits that man is lost in the world of social values, which he treats as artificial, although genetically necessary. But he attempts also to justify these social values on the ground that in the social obligations of man, and nowhere else, are realized his liberty and equality. This amounts to an Aristotelian conclusion, and was stated clearly by Burlamaqui, one of the disciples of Rousseau, when he said that "the civil state is of all states the most perfect and the truly natural state of man." Rousseau, however, was more concerned with detecting the faults of the civil state in the form in which it presented itself to him in his day and for that reason the critical aspect of his political philosophy has been unduly overstated.—Bernard Bosanquet, *Revue de metaphysique et de morale*, May, 1912. M. S. H.

Rudolf von Ihering und die deutsche Rechtswissenschaft.—In view of the controversy concerning penal law, and its influence on legislation, and in view of Ihering's influence on German jurisprudence, a critical analysis of his philosophy is timely. To synthetize Ihering's philosophic system of jurisprudence it is necessary to treat of (1) the jurist's place in the development of jurisprudence, (2) the essence of subjective law, (3) the limits to the efficacy of legal restraint, (4) the methodology of the science, (5) the positivistic character of Ihering's system, (6) its influence on the philosophy of law, (7) an analysis of Ihering's chief works, *Der Geist des römischen Rechts*, and *Der Zweck im Recht*, (8) a criticism of his teleological principle, and (9) his relation to the new sociological school regarding penal jurisprudence. Ihering is a follower of the historical school but transcends that method by the adoption of the historical rationalistic method. His standpoint is the *staatssocialistische*, for he attempts to reconcile and unite individualism and collectivism. His philosophy shows the influence especially of Hegel and Marx.—Dr. E. Hurwicz, *Abhandlungen des kriminalistischen Seminars an der Universität Berlin*, N. F., 6. Band, 4. Heft, 1911. Y. S.

Der Nationalismus und seine Wurzeln.—The roots of a dominant nationalistic consciousness are found in the formation of the modern state with its social and economic organization. Before the nationalistic spirit could arise, it was necessary for political, economic, and social life to assume their modern forms; it was necessary, further, that individuality should be discovered in a man by his fellow-men as the condition of the recognition of individuality in the state. Nationalism is originally

but the dawning consciousness on the part of the citizens of a state that they form a community in every sphere of life. It is a democratic movement, impossible under absolutism. It represents that particular epoch in the history of mankind at which nearly all developmental lines center in the state. It is not the goal of development, but a step, a transition-point in the great process of human evolution. The accomplishment of its particular historic tasks removes it from the stage of history.—Waldemar Mitscherlich, *Jahrbuch für Gesetzgebung*, XXXVI, No. 3. P. W.

Die phaseologische Methode in der Soziologie.—Since Comte the function of science has been stated to be foresight, but sociology has not yet made definite attempts to foresee, with the exception of Marx's historical materialism. A method by which such foresight might be acquired is the study of the transition of one stage of culture into another, with the object of determining the direction and the laws of evolution, and of projecting the line of evolution into the future. Such a method would systematize historical materials, would make it sociological and would be of value in determining future movements, not in a fatalistic way, but in such a way as to give information about desirable lines of activity.—F. Müller-Lyer, *Vierteljahrschrift für wissenschaftliche Philosophie und Soziologie*, Heft II, 1912. E. H. S.

Prejudice, Education, and Religion.—Prejudice means the inability or refusal to consider anything from more than one of several possible points of view. There are generic and racial prejudices, geographical, political, and economic ones, and personal prejudices. Each prejudice has at some time served a useful function. Harmful prejudice is located in deficiency or excess, in lack of mental and moral balance. It is the function of religion and education to rid us of our secondary prejudices and so to control the primary and more fundamental ones that no evil consequences will come of them.—Josiah Morse, *Journal of Religious Psychology*, July, 1912. S. A. Q.

La réalité sociale.—The social reality is the social bond, which is psychic in nature and is realized in the consciousness of the individuals, while at the same time it extends beyond that consciousness in content and duration. From the socio-sophic point of view it is the social mind, from the historical point of view it is civilization. Civilization is the sum of the values produced by man, and it is this sum of values which forms the social bonds and consequently the social reality.—W. M. Kozlowski, *Revue philosophique*, June, 1912. E. H. S.

La formation de l'élite dans la société moderne.—Since the industrial revolution societies have become exceeding complex and interdependent, and more real social qualities have been required. This concerted action has presupposed direction by a large, varied, and supple class, educated for the purpose of direction. This class has developed somewhat haphazardly in agriculture, industry, and commerce. It is necessary to know more definitely the functions of this élite, the qualities demanded of them, and the kind of training needed to produce these qualities. Some knowledge of this kind has been secured.—Paul de Rousiers, *La science sociale*, October, 1912, pp. 76. E. H. S.

Erkenntniskritik und Staatswissenschaft.—Historical thinking is subject to the general law of thought that keeps it under the influence of its time. The objectivity of the historical method is an illusion. Social science can never reach the unconditional certainty, the independent position above its object, which the mathematical sciences have. In the social world, however, we can understand causal relationships immediately, for their cause operates as purpose. Political science can attain to a one-to-one relationship with the life it aims to grasp intellectually, because it grows up out of that life; but the consequence and the very condition of its capacity to gain a full truth-content is the perishable character of the science in each of its historic manifestations. The thought that pretends to be the intellectual expression of a law of life must be subject to the same law of evolution which life itself obeys. There can be no generally valid science of state and law, but only historic ideas concerning them. Every attempt to comprehend historic life in a single formula or in a single law of economic development founders on the rocks of a multiform and refractory historic reality.—Georg Jaeger, *Schmoller's Jahrbuch*, XXXVI, No. 3. P. W.

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